



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 5g

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: December 7, 2015

SUBJECT: New Legislation for 2016

INFORMATION

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. The first year of the 2015-2016 legislative session produced several bills effective January 1, 2016 that make substantive changes to the laws that LAFCOs administer. Specific new chartered bills that are most relevant to the Commission and LAFCOs in general are summarized below.

Assembly Bill 402 (Bill Dodd) – Outside Service Agreements

Existing law permits a city or special district to provide services outside its jurisdictional boundaries only if it first requests and receives written approval from LAFCO in the affected county. Under existing law, LAFCO may authorize a city or district to provide new or extended services outside both its jurisdictional boundary and its sphere of influence under specified circumstances, including when responding to an impending threat to the public health or safety of the residents in the affected territory where specified requirements are met.

This bill revises the circumstances under which LAFCO may authorize a city or district to provide new or extended services and establishes a pilot program, until January 1, 2021, for the Napa and San Bernardino LAFCOs. If consistent with adopted policy, the Napa and San Bernardino LAFCOs may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, subject to approval at a noticed public hearing in which LAFCO makes all of the following determinations:

- (1) The extension of service or services deficiency was identified and evaluated in a municipal service review prepared pursuant to Section 56430;
- (2) The extension of service will not result in either (a) adverse impacts on open space or agricultural lands or (b) growth inducing impacts; and
- (3) A sphere of influence change involving the subject territory and its affected agency is not feasible under this division or desirable based on the affected LAFCO's adopted policies.

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Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

Senate Bill 88 (Committee on Budget and Fiscal Review) – Water System Consolidations

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board (SWRCB) various responsibilities and duties. Existing law requires SWRCB to conduct research, studies, and demonstration projects relating to the provision of a dependable and safe supply of drinking water, to adopt regulations to implement the California Safe Drinking Water Act, and to enforce provisions of the federal Safe Drinking Water Act. Existing law prohibits a person from operating a public water system unless the person first submits an application and receives a permit issued by SWRCB.

This bill authorizes SWRCB to order consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. This bill authorizes SWRCB to order the extension of service to an area that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation. The bill requires SWRCB, prior to ordering consolidation or extension of service, to conduct an initial public meeting, conduct a public hearing, and make specified findings. The bill limits the liability of a consolidated water system, wholesaler, or any other agency in the chain of distribution that delivers water to a consolidated water system.

Senate Bill 239 (Robert Hertzberg) – Local Services: Fire Protection Services Contracts

Existing law permits a city or special district to provide extended services outside its jurisdictional boundary only if it first requests and receives approval from LAFCO in the affected county. This bill permits public agencies to exercise new or extended services outside their jurisdictional boundaries pursuant to fire protection contracts if the public agencies receive written approval from LAFCO in the affected county. The bill requires that the legislative body of a public agency that is not a state agency to adopt a resolution of application and submit the resolution along with a plan for services. A proposal by a state agency may be initiated by the director of the agency with the approval of the Director of Finance, and a proposal by a local agency that is currently under contract for the provision of fire protection services may be initiated by the local agency and approved by the Director of Finance. This bill requires, prior to adopting the resolution or submitting the proposal, that the public agency enter into a written agreement for the performance of new or extended services pursuant to a fire protection contract with, or provide written notice of a proposed fire protection contract to, each affected public agency and recognized employee organization representing firefighters in the affected area, and to conduct a public hearing on the resolution.

Senate Bill 272 (Robert Hertzberg) – The California Public Records Act: Inventory

The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The Act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. This bill requires each local agency, including LAFCOs, to create a catalog of enterprise systems, to make the catalog publicly available, and to post the catalog on the local agency's website. The bill requires the catalog to disclose a list of the enterprise systems utilized by the agency as well as the current system vendor and product.